

REMARKS

Claims 1-12, 14 and 16 are currently pending in the present application. Claims 13 and 15 have been cancelled without prejudice. Claim 1 has been amended to recite that the slot in at least one of the walls is sized to have a length which is greater than or equal to the diameter of the infusion tube. Claim 1 has also been amended to recite that the width M of the inlet opening allows continuous fluid flow through the infusion tube. New claim 16 has been added. Support for the newly added claim and the amendments to claim 1 may be found throughout the specification, for example, on page 2, lines 5-6, page lines 5-8 and FIG. 1. No new matter has been added.

The specification has been amended to remove the references to the claims.

Reconsideration is respectfully requested.

I. Interview Summary

Applicants kindly thank Examiner Dundero for the discussion of this application in the telephonic interview with Heidi Dare on April 3, 2009. No demonstration was given during the interview. Claim 1 and the Burger et al. (U.S. 4,802,638) and the Shober, Jr. et al. (U.S. 5,265,822) references were discussed. No agreement was reached and Applicants agreed to consider filing an RCE.

II. Objection to the Drawings

The drawings have been objected to under 37 C.F.R. 1.83(a) for failing to show the first portion and the second portion of the tube arranged in the slot at the same time.

In order to expedite prosecution, Applicants have cancelled claim 15.

Therefore, Applicants respectfully request that the objection to the drawings under 37 C.F.R. 1.83(a) be withdrawn.

III. Objections to the Specification

The specification has been objected to for referring to the claims in the specification.

Applicants have amended the specification to remove the reference to the claims and have provided the language from the claims within the text. No new matter has been added.

Therefore, Applicants respectfully request that the objections to the specification be withdrawn.

IV. Claim Rejections Under 35 U.S.C. § 102

The rejection of claims 1-8 and 14 as being anticipated by Burger et al. (U.S. 4,802,638) under 35 U.S.C. §102 (b) has been maintained in the January 7, 2009 Office Action.

Applicants respectfully traverse the rejection of claims 1-8 and 14 as being anticipated by Burger based on the amendments to claim 1 and the traversals discussed below.

Burger is directed to a cord stowage apparatus for winding earphone cables and has been discussed in detail in the Amendment filed September 25, 2008. The cord stowage apparatus includes a pair of cup-shaped members that grasps the cable as it enters and exits the stowage device. (Abstract.) The Burger et al. device is designed for use with electronic cables where the rims 115 and 125 actually contact each other to contain the cable. (See Col. 4, lines 5-14.) In the Burger et al. device, kinking of the cables will not prevent the device from working. In addition, the slot 160 shown in FIG. 6 of Burger et al. is formed from a first notch 117 in the first cup-shaped member 110 aligned with a second notch 127 in the second cup-shaped member 120. Burger et al. fails to teach or suggest an inlet opening having a width measured between the walls that is sized to allow passage of a single infusion tube through the inlet opening and that allows uninterrupted fluid flow through the tubing. In addition, the notch 117 and the notch 127 of Burger et al. are not sized to have a length that is greater than or equal to a diameter of the infusion tube.

In contrast, Applicants' claim 1 requires a device for the adjustment of the length of an infusion tubing having inner faces of walls that converge to an inlet opening having a width M sized to allow passage of a single infusion tube through the inlet opening and that allows uninterrupted fluid flow through the infusion tube. In addition, claim 1

requires that the elongate slot in at least one of the walls is sized to have a length which is greater than or equal to a diameter of the infusion tube. Burger et al. fails to teach or suggest these elements in Applicants' claim 1.

Therefore, Applicants respectfully request that the rejection of claims 1-8 and 14 under 35 U.S.C. §102(b) be withdrawn.

V. Claim Rejections Under 35 U.S.C. §103

Claim 15 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Burger et al.

Claim 15 has been cancelled thereby rendering the rejection of claim 15 moot.

Applicants respectfully request that the rejection of claim 15 under 35 U.S.C. §103(a) be withdrawn.

Claims 9-12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Burger et al. in view of Shober, Jr. et al. (U.S. 5,265,822).

Applicants respectfully traverse the rejection of claims 9-12 as being unpatentable over Burger et al. in view of Shober, Jr. et al. since the references alone or in combination fail to teach or suggest a method of adjusting the length of an infusion tube where the infusion tube is inserted into an inlet opening having a width M sized to allow passage of a single infusion tube and that allows for uninterrupted fluid flow through the infusion tube. In addition, Applicants respectfully assert that the combination of Burger et al. and Shober, Jr. et al. is improper.

Burger et al. is directed to a cord/cable winder and has been discussed in detail above. Burger et al. clearly fails to teach or suggest the device claimed in claim 1 for adjusting the length of an infusion tubing. Burger et al. also fails to teach or suggest a method of inserting an infusion tube through an inlet opening having a width sized to allow passage of a single infusion tube and that allows uninterrupted fluid flow through the infusion tube. Burger et al. further fails to teach or suggest securing the first and second end portions of the tube in the slot or the inlet opening.

Shober, Jr. et al. discloses an assembly for supporting and storing an intravenous supply tube. Shober, Jr. et al. has been discussed in detail in the Amendment filed September 25, 2008. The assembly of Shober, Jr. et al. is able to

hold the tubing and coupling in place while a hypodermic needle is inserted into the coupling to shield the operator's hand to thereby reduce the risk of injury to the operator. (Abstract.) In other words, the walls of the Shober, Jr. et al. device are open so that a syringe can be injected into the tubing while the tubing is in the assembly. Clearly, Shober, Jr. et al. fails to teach or suggest a method of inserting an infusion tube through an inlet opening having a width sized to allow passage of a single infusion tube and that allows uninterrupted fluid flow through the infusion tube.

In addition, modifying the walls of Shober, Jr. et al. to converge together to have a width sized to allow passage of a single infusion tube would render the Shober, Jr. assemble unsatisfactory for its intended purpose and would change the principle of operation. Thus, the combination of Burger et al. and Shober, Jr. et al. is improper because changing the wall structure of Shober, Jr. et al. would prohibit the operator from inserting a syringe into the tubing held within the assembly. According to the MPEP §2143.01, the proposed modification cannot render the prior art unsatisfactory for its intended purpose or change the principle of operation of a reference.

Burger et al. and Shober, Jr. et al., fail to teach or suggest a method of adjusting the length of an infusion tube where the infusion tube is inserted into an inlet opening having a width M sized to allow passage of a single infusion tube and allows uninterrupted fluid flow through the infusion tubing.

Applicants respectfully request that the rejection of claims 9-12 under 35 U.S.C. § 103(a) be withdrawn.

VI. SUMMARY

Having carefully addressed all the objections and rejections of the Examiner in the January 7, 2009 Office Action, it is respectfully asserted that the claims properly define the invention and that the invention is both novel and non-obvious. Allowance of the present claims is earnestly solicited.

Applicants respectfully request that the Examiner call the undersigned with any questions regarding this response to expedite the prosecution of the application.

Respectfully submitted,

A handwritten signature in cursive script, reading "Heidi A. Dare", is written over a horizontal line.

Heidi A. Dare
Registration No. 50,775
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200